

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NICHOLAS A. HAYS,)
Plaintiff)
))
v.) **Civil Action No. 15-14025-GAO**
))
))
JEFFERSON CAPITAL SYSTEMS, LLC,)
Defendant)

PLAINTIFF'S MOTION TO STRIKE DECLARATION OF MARK ZELLMAN

Nicholas A. Hays, Plaintiff, moves that the “Declaration of Mark Zellman,” filed by Defendant as an exhibit to its opposition to Plaintiff’s motion to remand this action to Suffolk Superior Court, be stricken. In support whereof, Plaintiff states: (i) the Declaration constitutes an improper attempt to amend Defendant’s notice of removal (“NOR”) without seeking leave of Court; (ii) the information contained in the Declaration may not be considered by the Court because Defendant’s basis for removal set forth in the NOR was not plausible; and (iii) the information contained in the Declaration is wholly unrelated to the alleged “amount in controversy” which Defendant attempted to establish through the NOR. Plaintiff further relies on the arguments and authorities set forth in his reply memorandum of law in support of motion to remand, which is filed herewith and expressly incorporated herein.

Respectfully submitted,
NICHOLAS A. HAYS, Plaintiff, by:

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Certificate of Service

I, Kenneth D. Quat, Esquire, hereby certify that on February 1, 2016, I caused copies of the foregoing document to be served by electronic mail via the Court's CM/ECF system on all registered participants, or by first class mail, postage prepaid, to all non-registered participants.

/s/Kenneth D. Quat